

LAW ENFORCEMENT REPORTING REQUIREMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: Scott D. Sandall

LONG TITLE

General Description:

This bill addresses law enforcement reporting requirements.

Highlighted Provisions:

This bill:

- restructures law enforcement reporting requirements in Title 53, Public Safety Code;
- requires a law enforcement agency to report certain information on lawfully seized firearms; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-25-101, as enacted by Laws of Utah 2023, Chapter 427

63A-16-1002, as last amended by Laws of Utah 2023, Chapters 158, 161, 382, and 448

63M-7-204, as last amended by Laws of Utah 2023, Chapters 158, 330, 382, and 500

ENACTS:

53-25-501, as Utah Code Annotated 1953

RENUMBERS AND AMENDS:

53-25-201, (Renumbered from 53-24-101, as enacted by Laws of Utah 2023, Chapter 158)

53-25-202, (Renumbered from 53-24-102, as enacted by Laws of Utah 2023, Chapter 158)

53-25-203, (Renumbered from 53-24-103, as enacted by Laws of Utah 2023, Chapter

29 158)
 30 **53-25-301**, (Renumbered from 53-23-101, as enacted by Laws of Utah 2023, Chapter
 31 382)
 32 **53-25-401**, (Renumbered from 53-26-101, as enacted by Laws of Utah 2023, Chapter
 33 500)

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 35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section **53-25-101** is amended to read:

37 **CHAPTER 25. LAW ENFORCEMENT REQUIREMENTS**

38 **Part 1. Disclosure Restrictions**

39 **53-25-101 . Prohibition on disclosure of identity of minor homicide victim.**

40 (1) As used in this section:

41 (a) "Criminal homicide" means the same as that term is defined in Section 76-5-201.

42 (b) "Media outlet" means a bona fide newspaper, magazine, or broadcast media
 43 enterprise, whether conducted on a for-profit or nonprofit basis, engaged in the
 44 business of providing news and information to the general public.

45 (c) "Minor victim" means the victim of a criminal homicide if the victim is younger than
 46 18 years old.

47 (d) "Parent or legal guardian" does not include an individual who is a suspect or
 48 defendant with respect to the criminal homicide.

49 (2) A law enforcement agency [~~and~~] or a law enforcement officer may not disclose [~~to a~~
 50 ~~representative of a media outlet~~] the name or other personally identifying information of
 51 a minor victim [~~until~~] to a representative of a media outlet unless the law enforcement
 52 agency or law enforcement officer has made a reasonable effort to obtain the consent of
 53 the minor victim's parent or legal guardian for the disclosure.

54 Section 2. Section **53-25-201**, which is renumbered from Section 53-24-101 is renumbered
 55 and amended to read:

56 **Part 2. Sexual assault offense policy and reporting requirements**

57 ~~{53-24-101}~~ **53-25-201. . Sexual assault offense policy and public information requirements**
 58 **for law enforcement agencies.**

59 (1) (a) Beginning January 1, 2024, a law enforcement agency shall create and maintain a
 60 policy regarding the law enforcement agency's processes for handling sexual assault

- 61 investigations.
- 62 (b) A policy described under Subsection (1)(a) shall include current best practices for
63 handling sexual assault investigations, including:
- 64 (i) protocols and training on responses to sexual trauma;
- 65 (ii) emergency response procedures, including prompt contact with the victim and the
66 preservation of evidence; and
- 67 (iii) referrals to sexual assault support services.
- 68 (c) A law enforcement agency shall publicly post on the law enforcement agency's
69 website the policy described in Subsection (1)(a).
- 70 (2) Beginning January 1, 2024, a law enforcement agency shall create and publicly post on
71 the law enforcement agency's website a guide for victims of sexual assault that includes:
- 72 (a) a description of the law enforcement agency's processes for handling sexual assault
73 investigations;
- 74 (b) contact information for victims of sexual assault to obtain more information from the
75 law enforcement agency; and
- 76 (c) referral information for sexual assault victim support services.

77 Section 3. Section **53-25-202**, which is renumbered from Section 53-24-102 is renumbered
78 and amended to read:

79 ~~53-24-102~~ **53-25-202. . Sexual assault offense reporting requirements for law enforcement**
80 **agencies.**

- 81 (1) As used in this section:
- 82 (a) "Commission" means the State Commission on Criminal and Juvenile Justice created
83 in Section 63M-7-201.
- 84 (b) "Sexual assault offense" means:
- 85 (i) rape, Section 76-5-402;
- 86 (ii) rape of a child, Section 76-5-402.1;
- 87 (iii) object rape, Section 76-5-402.2;
- 88 (iv) object rape of a child, Section 76-5-402.3;
- 89 (v) forcible sodomy, Section 76-5-403;
- 90 (vi) sodomy on a child, Section 76-5-403.1;
- 91 (vii) forcible sexual abuse, Section 76-5-404;
- 92 (viii) sexual abuse of a child, Section 76-5-404.1;
- 93 (ix) aggravated sexual abuse of a child, Section 76-5-404.3;
- 94 (x) aggravated sexual assault, Section 76-5-405; or

- 95 (xi) sexual battery, Section 76-9-702.1.
- 96 (2) (a) Beginning January 1, 2025, a law enforcement agency shall annually, on or
 97 before April 30, submit a report to the commission for the previous calendar year
 98 containing the number of each type of sexual assault offense that:
- 99 (i) was reported to the law enforcement agency;
 100 (ii) was investigated by a detective; and
 101 (iii) was referred to a prosecutor for prosecution.
- 102 (b) A law enforcement agency shall:
- 103 (i) compile the report described in Subsection (2)(a) for each calendar year in the
 104 standardized format developed by the commission under Subsection (3); and
 105 (ii) publicly post the information reported in Subsection (2)(a) on the law
 106 enforcement agency's website.
- 107 (3) The commission shall:
- 108 (a) develop a standardized format for reporting the data described in Subsection (2);
 109 (b) compile the data submitted under Subsection (2); and
 110 (c) annually on or before August 1, publish a report of the data described in Subsection
 111 (2) on the commission's website.

112 Section 4. Section **53-25-203**, which is renumbered from Section 53-24-103 is renumbered
 113 and amended to read:

114 ~~{53-24-103}~~ **53-25-203. . Exemption.**

115 The provisions of this [chapter] part do not apply to a law enforcement agency created
 116 under Section 41-3-104.

117 Section 5. Section **53-25-301**, which is renumbered from Section 53-23-101 is renumbered
 118 and amended to read:

119 **Part 3. Reporting requirements for reverse-location warrants**

120 ~~{53-23-101}~~ **53-25-301. . Reporting requirements for reverse-location warrants.**

- 121 (1) As used in this section:
- 122 (a) "Anonymized" means the same as that term is defined in Section 77-23f-101.
 123 (b) "Commission" means the State Commission on Criminal and Juvenile Justice created
 124 in Section 63M-7-201.
 125 (c) "Electronic device" means the same as that term is defined in Section 77-23f-101.
 126 (d) "Law enforcement agency" means the same as that term is defined in Section
 127 77-23c-101.2.

128 (e) "Reverse-location information" means the same as that term is defined in Section
129 77-23f-101.

130 (f) "Reverse-location warrant" means a warrant seeking reverse-location information
131 under Section 77-23f-102, 77-23f-103, or 77-23f-104.

132 (2) (a) Beginning January 1, 2024, a law enforcement agency shall annually on or before
133 April 30 submit a report to the commission with the following data for the previous
134 calendar year:

135 (i) the number of reverse-location warrants requested by the law enforcement agency
136 under Section 77-23f-102, 77-23f-103, or 77-23f-104;

137 (ii) the number of reverse-location warrants that a court or magistrate granted after a
138 request described in Subsection (2)(a)(i);

139 (iii) the number of investigations that used information obtained under a
140 reverse-location warrant to investigate a crime that was not the subject of the
141 reverse-location warrant;

142 (iv) the number of times reverse-location information was obtained under an
143 exception listed in Section 77-23f-106;

144 (v) the warrant identification number for each warrant described under Subsection
145 (2)(a)(ii) or (iii); and

146 (vi) the number of electronic devices for which anonymized electronic device data
147 was obtained under each reverse-location warrant described under Subsection
148 (2)(a)(ii).

149 (b) A law enforcement agency shall compile the report described in Subsection (2)(a) for
150 each year in the standardized format developed by the commission under Subsection
151 (4).

152 (3) If a reverse-location warrant is requested by a multijurisdictional team of law
153 enforcement officers, the reporting requirement in this section is the responsibility of the
154 commanding agency or governing authority of the multijurisdictional team.

155 (4) The commission shall:

156 (a) develop a standardized format for reporting the data described in Subsection (2);

157 (b) compile the data submitted under Subsection (2); and

158 (c) annually on or before August 1, publish on the commission's website a report of the
159 data described in Subsection (2).

160 Section 6. Section **53-25-401**, which is renumbered from Section 53-26-101 is renumbered
161 and amended to read:

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Part 4. Reporting requirements for genetic genealogy database utilizations

~~53-26-101~~ 53-25-401. . **Law enforcement reporting requirements for genetic genealogy database utilizations .**

(1) As used in this section:

(a) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.

(b) "Genetic genealogy database utilization" means the same as that term is defined in Section 53-10-403.7.

(c) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.

(d) "Qualifying case" means the same as that term is defined in Section 53-10-403.7.

(2) (a) Beginning on January 1, 2024, a law enforcement agency shall annually on or before April 30 submit a report to the commission with the following data for the previous calendar year:

(i) the number of genetic genealogy database utilizations requested by the law enforcement agency under Section 53-10-403.7; and

(ii) for each utilization described in Subsection (2)(a)(i):

(A) if applicable, the type of qualifying case;

(B) for a criminal investigation, the alleged offense;

(C) whether the case was a cold case, as that term is defined in Section 53-10-115, at the time of the request for the utilization; and

(D) whether the results of the utilization revealed the identity of the owner of the DNA specimen.

(b) A law enforcement agency shall compile the report described in Subsection (2)(a) for each year in the standardized format developed by the commission under Subsection (4).

(3) If a genetic genealogy database utilization is requested by a multijurisdictional team of law enforcement officers, the reporting requirement in this section is the responsibility of the commanding agency or governing authority of the multijurisdictional team.

(4) The commission shall:

(a) develop a standardized format for reporting the data described in Subsection (2);

(b) compile the data submitted under Subsection (2), including the number of genetic genealogy database utilizations requested by each reporting law enforcement agency;

195 and
196 (c) annually on or before August 1, publish a report of the data described in Subsection
197 (2) on the commission's website.

198 Section 7. Section **53-25-501** is enacted to read:

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Part 5. Reporting requirements for seized firearms

200 **53-25-501 . Reporting requirements for seized firearms.**

201 (1) As used in this section:

202 (a) "Commission" means the State Commission on Criminal and Juvenile Justice created
203 in Section 63M-7-201.

204 (b) "Firearm" means the same as that term is defined in Section 76-10-501.

205 (c) "Restricted person" means a Category I or Category II restricted person as defined in
206 Section 76-10-503.

207 (2) Beginning on July 1, 2026, a law enforcement agency, not including the Department of
208 Corrections, shall annually on or before April 30 report to the commission the following
209 data for the previous calendar year:

210 (a) the number of firearms the law enforcement agency lawfully seized from restricted
211 persons;

212 (b) the types of firearms the law enforcement agency lawfully seized from restricted
213 persons;

214 (c) information on where the restricted persons obtained the firearms seized by the law
215 enforcement agency if the information is known or discoverable by the law
216 enforcement agency; and

217 (d) the reasons under Subsection 76-10-503(1)(a) or (b) that made the individuals who
218 had weapons seized restricted persons.

219 Section 8. Section **63A-16-1002** is amended to read:

220 **63A-16-1002 . Criminal and juvenile justice database.**

221 (1) The commission shall oversee the creation and management of a criminal and juvenile
222 justice database for information and data required to be reported to the commission,
223 organized by county, and accessible to all criminal justice agencies in the state.

224 (2) The division shall assist with the development and management of the database.

225 (3) The division, in collaboration with the commission, shall create:

226 (a) master standards and formats for information submitted to the database;

227 (b) a portal, bridge, website, or other method for reporting entities to provide the

- 228 information;
- 229 (c) a master data management index or system to assist in the retrieval of information in
230 the database;
- 231 (d) a protocol for accessing information in the database that complies with state privacy
232 regulations; and
- 233 (e) a protocol for real-time audit capability of all data accessed through the portal by
234 participating data source, data use entities, and regulators.
- 235 (4) Each criminal justice agency charged with reporting information to the commission
236 shall provide the data or information to the database in a form prescribed by the
237 commission.
- 238 (5) The database shall be the repository for the statutorily required data described in:
- 239 (a) Section 13-53-111, recidivism reporting requirements;
- 240 (b) Section 17-22-32, county jail reporting requirements;
- 241 (c) Section 17-55-201, Criminal Justice Coordinating Councils reporting;
- 242 (d) Section 41-6a-511, courts to collect and maintain data;
- 243 (e) Section ~~[53-23-101]~~ 53-25-301, reporting requirements for reverse-location warrants;
- 244 (f) Section ~~[53-24-102]~~ 53-25-202, sexual assault offense reporting requirements for law
245 enforcement agencies;
- 246 (g) Section 53-25-501, reporting requirements for seized firearms;
- 247 ~~[(g)]~~ (h) Section 63M-7-214, law enforcement agency grant reporting;
- 248 ~~[(h)]~~ (i) Section 63M-7-216, prosecutorial data collection;
- 249 ~~[(i)]~~ (j) Section 64-13-21, supervision of sentenced offenders placed in community;
- 250 ~~[(j)]~~ (k) Section 64-13-25, standards for programs;
- 251 ~~[(k)]~~ (l) Section 64-13-45, department reporting requirements;
- 252 ~~[(l)]~~ (m) Section 64-13e-104, housing of state probationary inmates or state parole
253 inmates;
- 254 ~~[(m)]~~ (n) Section 77-7-8.5, use of tactical groups;
- 255 ~~[(n)]~~ (o) Section 77-11b-404, forfeiture reporting requirements;
- 256 ~~[(o)]~~ (p) Section 77-20-103, release data requirements;
- 257 ~~[(p)]~~ (q) Section 77-22-2.5, court orders for criminal investigations;
- 258 ~~[(q)]~~ (r) Section 78A-2-109.5, court demographics reporting;
- 259 ~~[(r)]~~ (s) Section 80-6-104, data collection on offenses committed by minors; and
- 260 ~~[(s)]~~ (t) any other statutes which require the collection of specific data and the reporting
261 of that data to the commission.

- 262 (6) The commission shall report:
- 263 (a) progress on the database, including creation, configuration, and data entered, to the
- 264 Law Enforcement and Criminal Justice Interim Committee not later than November
- 265 2022; and
- 266 (b) all data collected as of December 31, 2022, to the Law Enforcement and Criminal
- 267 Justice Interim Committee, the House Law Enforcement and Criminal Justice
- 268 Standing Committee, and the Senate Judiciary, Law Enforcement, and Criminal
- 269 Justice Standing Committee not later than January 16, 2023.

270 Section 9. Section **63M-7-204** is amended to read:

271 **63M-7-204 . Duties of commission.**

- 272 (1) The State Commission on Criminal and Juvenile Justice administration shall:
- 273 (a) promote the commission's purposes as enumerated in Section 63M-7-201;
- 274 (b) promote the communication and coordination of all criminal and juvenile justice
- 275 agencies;
- 276 (c) study, evaluate, and report on the status of crime in the state and on the effectiveness
- 277 of criminal justice policies, procedures, and programs that are directed toward the
- 278 reduction of crime in the state;
- 279 (d) study, evaluate, and report on programs initiated by state and local agencies to
- 280 address reducing recidivism, including changes in penalties and sentencing
- 281 guidelines intended to reduce recidivism, costs savings associated with the reduction
- 282 in the number of inmates, and evaluation of expenses and resources needed to meet
- 283 goals regarding the use of treatment as an alternative to incarceration, as resources
- 284 allow;
- 285 (e) study, evaluate, and report on policies, procedures, and programs of other
- 286 jurisdictions which have effectively reduced crime;
- 287 (f) identify and promote the implementation of specific policies and programs the
- 288 commission determines will significantly reduce crime in Utah;
- 289 (g) provide analysis and recommendations on all criminal and juvenile justice
- 290 legislation, state budget, and facility requests, including program and fiscal impact on
- 291 all components of the criminal and juvenile justice system;
- 292 (h) provide analysis, accountability, recommendations, and supervision for state and
- 293 federal criminal justice grant money;
- 294 (i) provide public information on the criminal and juvenile justice system and give
- 295 technical assistance to agencies or local units of government on methods to promote

- 296 public awareness;
- 297 (j) promote research and program evaluation as an integral part of the criminal and
298 juvenile justice system;
- 299 (k) provide a comprehensive criminal justice plan annually;
- 300 (l) review agency forecasts regarding future demands on the criminal and juvenile
301 justice systems, including specific projections for secure bed space;
- 302 (m) promote the development of criminal and juvenile justice information systems that
303 are consistent with common standards for data storage and are capable of
304 appropriately sharing information with other criminal justice information systems by:
- 305 (i) developing and maintaining common data standards for use by all state criminal
306 justice agencies;
- 307 (ii) annually performing audits of criminal history record information maintained by
308 state criminal justice agencies to assess their accuracy, completeness, and
309 adherence to standards;
- 310 (iii) defining and developing state and local programs and projects associated with
311 the improvement of information management for law enforcement and the
312 administration of justice; and
- 313 (iv) establishing general policies concerning criminal and juvenile justice information
314 systems and making rules as necessary to carry out the duties under Subsection
315 (1)(k) and this Subsection (1)(m);
- 316 (n) allocate and administer grants, from money made available, for approved education
317 programs to help prevent the sexual exploitation of children;
- 318 (o) allocate and administer grants for law enforcement operations and programs related
319 to reducing illegal drug activity and related criminal activity;
- 320 (p) request, receive, and evaluate data and recommendations collected and reported by
321 agencies and contractors related to policies recommended by the commission
322 regarding recidivism reduction, including the data described in Section 13-53-111
323 and Subsection 26B-5-102(2)(l);
- 324 (q) establish and administer a performance incentive grant program that allocates funds
325 appropriated by the Legislature to programs and practices implemented by counties
326 that reduce recidivism and reduce the number of offenders per capita who are
327 incarcerated;
- 328 (r) oversee or designate an entity to oversee the implementation of juvenile justice
329 reforms;

- 330 (s) make rules and administer the juvenile holding room standards and juvenile jail
331 standards to align with the Juvenile Justice and Delinquency Prevention Act
332 requirements pursuant to 42 U.S.C. Sec. 5633;
- 333 (t) allocate and administer grants, from money made available, for pilot qualifying
334 education programs;
- 335 (u) oversee the trauma-informed justice program described in Section 63M-7-209;
- 336 (v) request, receive, and evaluate the aggregate data collected from prosecutorial
337 agencies and the Administrative Office of the Courts, in accordance with Sections
338 63M-7-216 and 78A-2-109.5;
- 339 (w) report annually to the Law Enforcement and Criminal Justice Interim Committee on
340 the progress made on each of the following goals of the Justice Reinvestment
341 Initiative:
- 342 (i) ensuring oversight and accountability;
- 343 (ii) supporting local corrections systems;
- 344 (iii) improving and expanding reentry and treatment services; and
- 345 (iv) strengthening probation and parole supervision;
- 346 (x) compile a report of findings based on the data and recommendations provided under
347 Section 13-53-111 and Subsection 26B-5-102(2)(n) that:
- 348 (i) separates the data provided under Section 13-53-111 by each residential,
349 vocational and life skills program; and
- 350 (ii) separates the data provided under Subsection 26B-5-102(2)(n) by each mental
351 health or substance use treatment program;
- 352 (y) publish the report described in Subsection (1)(x) on the commission's website and
353 annually provide the report to the Judiciary Interim Committee, the Health and
354 Human Services Interim Committee, the Law Enforcement and Criminal Justice
355 Interim Committee, and the related appropriations subcommittees ; and
- 356 (z) receive, compile, and publish on the commission's website the data provided under:
- 357 (i) Section [~~53-23-101~~] 53-25-202;
- 358 (ii) Section [~~53-24-102~~] 53-25-301; and
- 359 (iii) Section [~~53-26-101~~] 53-25-401.
- 360 (2) If the commission designates an entity under Subsection (1)(r), the commission shall
361 ensure that the membership of the entity includes representation from the three branches
362 of government and, as determined by the commission, representation from relevant
363 stakeholder groups across all parts of the juvenile justice system, including county

364 representation.

365 Section 10. **Effective date.**

366 This bill takes effect on May 1, 2024.